

EXPRESS MAIL NO. EV529821624US

<b>TRANSMITTAL FORM</b>  (To be used for all correspondence after initial filing)	Application Number	09/916,212
	Filing Date	July 25, 2001
	First Named Inventor	Brian Wells
	Art Unit	1745
	Examiner Name	Julian A. Mercado
	Attorney Docket No.	130109.429

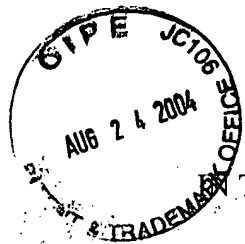
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s), Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): PTOL-85 (+ copy); Copy of _____ Determination of Patent Term _____ Adjustment; Copy of Date- _____ Stamped Postcard for Response to Notice to File Missing Parts _____
Remarks 3 Replacement Sheets of Formal Drawings (Figs. 5-7)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Individual Name	Frank Abramonte	Customer Number <b>00500</b>
Signature		
Date	August 24, 2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name		
Signature		Date:

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Brian Wells et al.  
 Application No. : 09/916,212  
 Filed : July 25, 2001  
 For : FUEL CELL SYSTEM HAVING A HYDROGEN SENSOR

Examiner : Julian A. Mercado

Art Unit : 1745

Date of Notice  
 of Allowance : June 3, 2004

Docket No. : 130109.429

Date : August 24, 2004

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 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT

Commissioner for Patents:

Applicants hereby request reconsideration of the patent term noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) provided with the Notice of Allowance mailed June 3, 2004. A check including the amount of \$200 for this application is enclosed.

Statement of the Facts:

The Determination of Patent Adjustment under 35 U.S.C. 154(b) indicates that the Patent Term Adjustment for this application to date is 285 days. Applicants submit that the correct patent term adjustment for this application should be 320 days, calculated as follows:

1. This application was filed on July 25, 2001.
2. A Notice to File Missing Parts was mailed by the USPTO on September 4, 2001. Applicants timely mailed a Response to Notice to File Missing Parts on November 2, 2001. Applicants' Response was received by the USPTO on November 2, 2001, as evidenced by the date-stamped return postcard for the Response to Notice to File Missing Parts, a copy of

which is submitted herewith. Despite Applicants' timely response to the Notice to File Missing Parts, the U.S. Patent Office has deducted 35 days of Patent Term.

3. The initial action by the USPTO was an Office Action mailed October 7, 2003. Pursuant to 37 CFR 1.702(a), this initial action should have been issued by the USPTO within 14 months of the filing date of the application. As the application was filed on July 25, 2001, fourteen months would have been September 25, 2002. Therefore, pursuant to 37 CFR 1.703(a)(1), the initial action was 377 days late.

4. Applicants filed a response to this Office Action on March 4, 2004. Pursuant to 37 CFR 1.704(b), Applicants' response was 57 days late.

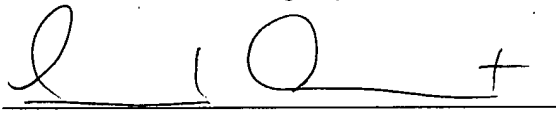
5. The Notice of Allowance was mailed June 3, 2004.

In view of the foregoing, Applicants submit that the patent to be issued from the present application is entitled to a patent term adjustment of 320 days and respectfully request that such a patent term adjustment be granted. Applicants note that this application is not subject to a terminal disclaimer.

The Director is authorized to charge any additional fees due by way of this Application, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Frank Abramonte  
Registration No. 38,066

Enclosures:

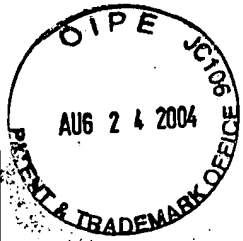
Postcard

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Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154(b) as provided  
with Notice of Allowance

Copy of Date-Stamped Returned Postcard for the Response to Notice to File Missing  
Parts

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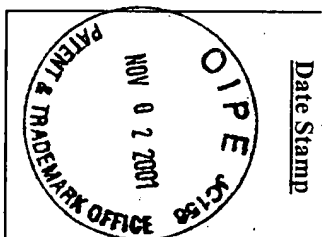
130109.429

FXA:lrj

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

SENT: November 2, 2001  
DUE: November 4, 2001

Kindly acknowledge receipt of the below-listed documents by placing  
your receiving stamp hereon and mailing:



Check; Form PTO/SB/21; Form PTO/SB/17 (+ copy); Application Data Sheet;  
Response to Notice to File Missing Parts; Declaration; Copy of Notice to File  
Missing Parts; Election and Power of Attorney; in re: Brian Wells et al., USAN  
09/916,212, filed July 25, 2001, for FUEL CELL SYSTEM HAVING A  
HYDROGEN SENSOR.

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC